

Attachment D: Draft Amendments to Chapter 23A-35

Chapter 23A-35 Flexible Lot Development (FLD)

The flexible lot development (FLD) is a development alternative permitted by the Land Use Code (LUC), Chapter 23 of the Tucson Code, in various zoning districts. While the development designator requirements, such as density, building height, setbacks, and lot coverage, are provided in each zone, specific provisions for the design and development of an FLD are found in Section 3.6.1 of the LUC and in Development Standard 2-10.0.

1. *Plat required.* Section 3.6.1.3.A (FLD Tentative and Final Subdivision Plat Requirements) of the LUC requires all FLDs to be platted except as noted in 23A-35.2 (Development Plan required). Platting, submittal, and review requirements are described in Chapters 23A- 35.6 and 23A-35.7 (FLD Platting Procedures) and Development Standard 2-10.0.
2. *Development Plan required.* Section 3.6.1.3.B (Development Plan Requirements) of the LUC requires a development plan from those FLDs where a subdivision plat is not required. Development plan submittal and review requirements are described in Chapter 23A-34 (Development Plan Review) and Development Standard 2-05.0.
3. *Architectural Design Plan required.* Section 3.6.1.7.B (Architectural Design Plan Requirements) of the LUC requires all FLDs to submit an architectural design plan. Architectural design plan submittal and review requirements are described in Chapter 23A-35.8 and Development Standard 2-10.0.
4. *Privacy Mitigation Plan required.* Section 3.6.1.6.A (Two Story Exception Requirements) of the LUC requires FLDs proposing to locate multistory residential units abutting existing single story residential that are zoned R-2 or more restrictive to submit a privacy mitigation plan. Privacy mitigation plan submittal and review requirements are described in Chapter 23A-35.9 and Development Standard 2-10.0.
5. *Notice of Application*
 - A. Public notice that a flexible lot development (FLD) application has been filed and accepted for review shall be sent within five (5) days after acceptance of the application.
 - B. The notice shall include information on the plat, such as name; case number; type of development; site size; residential density; where the plat can be viewed by the public; and the address and telephone number of the Development Services Department (DSD). Such notice shall contain a sentence indicating that any person may request further notification of actions concerning the FLD.

C. A minimum period of ten (10) working days from the date the notice is sent will be provided for response with the following exceptions, which require a minimum period of twenty (20) working days:

1. Applications for tentative plats of FLD project with a gross site area of five acres or less
2. Applications for privacy mitigation plans requiring public hearing approval

D. The notice shall be sent to the following:

1. All owners of property located within three hundred (300) feet of the flexible lot development (FLD) site (any public rights-of-way abutting the FLD site are excluded from the measurement).
2. At least two (2) designated representatives of any neighborhood and homeowners' associations registered with the city and located within one (1) mile of the flexible lot development (FLD) site.
3. Any other person determined by the Development Services Department (DSD) director to be affected by the proposed flexible lot development (FLD).

6. *Projects with a Gross Site Area of Five Acres or Less*

A. *Tentative Plats.* Tentative plats for FLD projects of five (5) acres or less are reviewed and considered for approval in compliance with Section 23A-51 (Development Services Department Full Notice Procedure).

B. *Final Plats.* Final plats for FLD projects with a gross site area of five (5) acres or less are reviewed and considered for approval in compliance with Section 23A-33.1(2) (Subdivision Plat Process – Final plat review).

7. *Projects with a Gross Site Area of More than Five Acres.* Tentative and final plats for FLD projects of more than five (5) acres are reviewed and considered for approval in compliance with Section 23A-33.1 (Subdivision Plat Process).

8. *Architectural Design Plans*

A. Architectural design plans for FLD projects must be approved prior to approval of a building permit. The plans shall include the following:

1. All existing and proposed buildings and structures, including location, size, height, garages, overhangs, canopies, and use.
2. Elevations of those units required by Section 3.6.1.7.B.3.a (Elevations of Units Abutting Collector and Arterial Roadways). The elevations shall

demonstrate compliance with Section 3.6.1.7.B.3 (Architectural Variation Requirements).

3. Location and inventory of garages in accordance with Section 3.6.1.7.B.2 (Garage Placement requirements)

B. The Design Examiner will review the architectural design plans for compliance with applicable code and forward a recommendation to the Director of the Department of Urban Planning and Design Department for consideration of approval.

C. Conditions of the approved architectural design plan shall be included as notes on the tentative, final plat, and/or building permit depending on whichever approval process is happening concurrent with or after approval of the architectural design plan.

9. *Privacy Mitigation Plans*

A. Privacy mitigation plans shall be submitted with the application for tentative or final subdivision plat. The privacy mitigation plans shall include elevations, profiles, and/or dimensioned plans of those units triggering the requirements of Section 3.6.1.6.A.2 (Multi-Story Residence Abutting One Story Residence) of the *Land Use Code*. The plans must also include the mitigative measures being proposed to preserve the existing residents' privacy.

B. *Privacy Mitigation Plans Requiring Public Hearing Approval.*

1. Privacy mitigation plans shall be reviewed and considered for approval using the procedure described in Chapter 23A-52 (Board of Adjustment Full Notice Procedure) with the following exceptions:

a. The Director of the Department of Urban Planning and Design shall prepare a recommendation on the proposed plan and forward it to the applicant and Design Examiner.

b. The Design Examiner shall conduct the public hearing and consider approval.

c. Decisions may be appealed to the Design Review Commission.

C. *Privacy Mitigation Plans Not Requiring Public Hearing Approval.*

1. The Design Examiner shall prepare a recommendation on the proposed plan and forward it to the Director of the Department of Urban Planning and Design.

2. The Director of the Department of Urban Planning and Design shall consider approval.
- D. Conditions of the approved privacy mitigation plan such as a description of the mitigative measures that will be utilized and for which lots the mitigation measures apply shall be included as notes on the tentative and/or final plats.